Gast 3:14-0200306-WHA Document 908 Filed 04/99/20 Page 1 of 5 RT

NORTHERN DISTRICT OF CALIFORNIA
14-CR - 306 WHA

In the Matter of:

BK 6,5e#17-30501DM

BRUGNARA PROPERTIES VI, a California corporation ("BPVI")

BK Appeal Judge W. Alsup

APPEAL OF BK COURT ORDER GRANTING WITHDRAWL OF BPVI COUNSEL AUERBACH

Appellant Movant Luke Brugnara ("Brugnara") appeals to this Federal District BK Appeal Court the BK Court's order allowing BPVI coursel, Ruth Averbach, to withdraw as course I from the on-going BPVI BK proceedings.

Averbach was paid fifty thousand dollars (# 50,000, 2050)
at the inception of the BPVI proceedings in BK Court,
as payment in Rull for services to be performed by Averbach
on the BPVI BK THROUGH COMPLETION OF THE BPVI
BK. This is a large sum of money for a residential single
family house BK.

Averbach summarized her request for withdrawl as consel based upon her presumption that her legal services were no longer needed by BPVI in these BPHBK proceedings because the sale asset of BPVI, 224 Sea Cliff Avenue, San Francisco ("Sea Cliff") was "sold" in January 2020, and affirmed by the BK court weeks latera BK Court Sudge Mantali agreed with her presumption (s) and GRAPTED her withdrawl.

Brynzo current President of BPVI, was just informed of the BK Court's granting Averbach's request and timely files this appeal. Bryanara appeals the BK Court's order and Averbach presumptions because they are a Frise STATEMENT (PRESUMPTIONS) OF FACT WILL SEA CLIFF HAS NOT SOLD, AND IN FACT WILL

LIKEY BE REMOVED FROM THE BPVIBK PROCEDINGS IN BK COURTS DICORDINGLY, Averbody's Egol responsibilities to represent BOVI to the BPVI BK is NET completed, and REDUIRES her additional legal parti-copation in the on-going BPVI BK motions / appeals/stays oppositions/intercentions/enjoinments, as debto, - consell of record for BPVI, whompas been paid in full \$50,000.55. Specifically, the United States Attorney out of WASHINGTON DC, filed an Appeal and Emergency Stay of the BK Court Sale (of Sea Cliff) Order stating in summation. That the BK court (and the trustee) lost authority and to to ver sea Cliff on July 2 2019, When BK Judge Mon-to li ruled BPVI to be the "alterego and nominee of Luke and Kay Brignare" holding only "bare haked title". Thus, Luke and KIN BATADIS DIE THE FEBUTABLE TITLE OWNERS OF SED CLOTE NOT BOYL PET the UNITED STATES OF AMERICA (See? BAP#20-1038, March 6, 2020, UNITED STATES REPLY TO EMPREENCY STAY AND APPEAL, DOC. #13, pages*1-11) then reached an illegral and unsupported conclusion based upon the evidence and its own prior rulings " (page #2) · "IN USC 541(3)(1) - Importantly where the doctor (BDVI) has only legal title and not expirable title/interest in the property it becames property of the estate only to the extent of the debior's legal title, but NOT to the extent of any equitable title interest in the property 11 USC 541(d) (emphasis added), (page #3) · Upon the BK Court ruling that BPVI holds "bare regal tatle" to Sea cliff as the nominee and altergo of the Brighaias, the code divested the BK Court of julisdiction to sell any agritable The Supreme Court has repeatedly continued that courts cannot de viste from the Code even when mothersted by a sincere belief That creditors would be better off (alting Scotus CZYZEWSKIV JENC, 137 VS 973, 987 (ZOIT) " (page #4)

"There can be no "satisfaction of the nominee lien through BK, as
its very existence means the property to which it attaches is

excluded from theestate" (page #4) · Minclusion of equitable title in the Sale Order (by Montali) was



a marrifest error in contradiction with the July 22, 2019 finding ". (page #5) o "The BK court correctly and uded that Equitable Title to Sea Cliff is held by the Branaras and the United States lien attaches to the legal title to Sea Cliff remaining with BDVI. Neither finding the BRUBNARAS, which the court incorrectly bund in EMPHA-SIS ADDED J. (page #5) The July 22, 2019 finding (alterego from mee) and issuance of Sale Order was illogical and without support in the second. The UNITED STATES will prevail in its (this) appeal! COMPATASIS ADDED]. (page #6) "THIS APPEAL SIMPLY PRESENTS THE INCONVENIENT TRUTH THAT FACTURE FINDINGS AND LEGAL CONCLUSIONS HAVE CONSEQUENCES THAT EXCLUDE PROPERTY FROM A BANKRUPTCY ESTATE. WHEN THAT HAPPENS, THE BK COVETS SURISDICTION TO ACT ON SUCH PROPERTY EVAPORATES. IN PRESSING FORWARD WITH THE SEA CLIFF SALE, THE BY COURT REACHED A DECISION CONTRARY TO LYON AND ABLISED ITS DISCRETION. A STAY PENDING APPEAR IS WARRANTED " (page #8).

As detailed in the extremely well-written legal motions) and reply from the UNITED STATES (WASHINGTON D.C.), Sea CLIFF IS NOT a part of the BPVI BX proceedings as of July 22,2019, as Egistable Title I Ownership is owned by the BRUGNARAS NOT BODY. The BX Court CANNOT order the sale of Sea Cliff For Sea Cliffs Egistable Title is NOT in BX. Accordingly the appeal of Circuit Court GRANTED The Stay because the UNITED STATES IS likely to prevail is ucceed on this appeal on its ments (NKEN V. HOLDER, 566 US 418 426 (2009)). In

Moreover, 2mg Wagreements I decisons" make by the trustee (Hoskins)
and the BK Court ofter July 22, 2019 regarding Sea Cliff are
void / unenforces ble. The "settlement" agreement" in Sept. 2019
13 void / Invalid / unenforces ble because the trustee and Court
have no sursaliction or authority over the Equitable Title lowner.
Ship of Sea Cliff; additionally, luxe BWONARA DID NOT AGREE
TO, NOR SIEN ANY "SETTEMENT AGREEMENT", NOR ANY OTTO

AGREEMENT WITH ANYONE AS EQUITY TITLE JOUNDA OF SEACCIFF, THUS ANY "ABREEMENT" DESTADONG-STACUFF IS INVALID / VOID/
THUS AND MEREDMONT" TOUTHDOWG-SOACUFF IS INVALIDING
UN ENFORCOABLE!
Avelback's continued participation in these BK proceedings -
The Court of the part of the second
PTVI 33 WELL 35 OPPOSING 2MAINTEDIENTING 2001 to represent
- 2 Ad Accessary 25 Azerbach is Raid BPVI 1940 of in RK
and necessary as freeboch is paid BPVI counsel in BK court and was erroneously released by Montali based upon an inscrete presumption by Montali and Arecbach.
21 inscorpte presumption by Mentalizal Acechant
The form of the state of the st
The "game" is not over until the end of the "9th insing"
Montall released Averback at the end of the most
Montall released Averbach at the end of the "8th main". Thow many times we watched the yankees come back from
SOUPO 17/1/2 desain 24 to a la sission A to Cott 16
- seven runs down at the hagining of the 9th "
The Part of the Cart of the Ca
It as President of BPVI, respectfully request on this appealthis built to order Averbach to continue to represent BPVI for the function
to order Averbach to continue to represent BPVI for the duration
of the birt of placedings.
- Algaria
3/21/2020
<u> </u>
1 SUNTED STATES V. HONESON, 1261-62 (9th Car., 2019)
- GLADSTONE V. US BANCORP, 1133-1139 (9th Cx, 2016)
TOUR CANON DEV CORT, LOR-LOG (94, Or 2504) 2/4, JCV OCM DAY POLA
• PHOENIX HEUPARTS, 4-5 (BAP, 9th Cir, 2018) 1995
· HOURTH INV LP V. US 1069 / 9th Cur 2013
51471NO INC V DS. 1157 1170 (C.D. CA 2018)
MESLER V. BRAGE MEMT CO, 601, 607 (CA 1985)
SILVER BENACH LLC 7 (BAP THE CIT, NOV. 3, 2009)
· USA V. KUBON (9th Cot 2019) CHAM: SCONS USAN REDEARS 46/15677
SCOTUS US V. NATIONAL BANK OF COMMERCE (-1983)
USV STONETHIN (9th On 1882) X72 W 713
05 V STONETTILL (9th Cw, 1983) 472 US 713 , GOODRICH V. BONES
26 USCS #7403 (venue - Federal Distact Court) (9th cir., 2010)
OSTURGEON U. FROST (9th 2011, 2016) "Equitable title is the owner".

Name: Federal Correctional Institution Florence, CO. 81226 P.O. Box 6000

BK FRAN JUDGE ALSUF 450 GOLDEN GATE AVENUE SIFIES DISIRICT COUR

THURST OF SEE

